

Application No.: 10/087,373
Amendment dated: August 26, 2005
Reply to Office Action of: April 26, 2005

REMARKS

This amendment is responsive to the Office Action dated April 26, 2005. Claims 1-3, 5-13, 15-22, and 24-28 are pending in this application. Reconsideration of this application in view of amendments presented above (of claims 1, 10, and 20) and the arguments urged below is respectfully requested.

In paragraph 4 of the office action, the Examiner rejected claims 1-3, 5-13, 15-22 and 24-28 under 35 U.S.C. Section 103(a) as unpatentable over Panofsky et al. in view of Nielsen et al. The Examiner's rejection states that Panofsky fails to explicitly disclose the display device displaying an emulation of a portable computer system. Applicants have further pointed out that Panofsky does not teach nor suggest utilizing a software emulator of any sort, much less, displaying an emulation of an operating system used by a computer system as recited by claims 1, 10 and 20 that are pending here. Applicants further contend that Nielsen fails to overcome the shortcomings of Panofsky. Nielsen also fails to teach or suggest displaying an emulation of an operating system used by a portable computer system. Instead, Nielsen teaches an ATM, which uses a Wireless Access Protocol browser to emulate the web browser operable on a user's portable device. Nielsen teaches using a WAP emulation component on ATM 12 to enable displaying WML files upon the ATM. As a result, the ATM is used as a web browsing device rather than the user's portable device (e.g. a cellular telephone) to access the user's mobile portal. Applicants respectfully submit that the WAP emulation component (e.g. an emulation of a web browsing application) taught by Nielson does not teach or suggest an emulation of the operating system used by a portable computer system as recited in the claims. Because of that there is no reasonable expectation or motivation that would suggest a combination of the teachings in Panofsky and Nielsen to one of ordinary skill in the art that would result in the emulation of the operating system as recited in the claims. Even given the broadest reasonable interpretation, the claims are distinct from the references and Applicants submit that the Examiner is relying on hindsight in arriving at the conclusions stated in the office action. To that end, Applicants point to the following case law to support their position:

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In re Raynes, 7 F.3d 1037, 1039 (Fed. Cir. 1993):

When determining whether a new combination of known elements would have been obvious in terms of 35 U.S.C. § 103, the analytic focus is upon the state of knowledge at the time the invention was made. The Commissioner bears the burden of showing that such knowledge provided some teaching, suggestion, or motivation to make the particular combination that was made by the applicant. *In re Oetiker*, 977 F.2d 1443, 1445-47, 24 U.S.P.Q.2D (BNA) 1443, 1444-46 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1471-72, 223 U.S.P.Q. (BNA) 785, 788 (Fed. Cir. 1984). This determination is made from the viewpoint of the hypothetical person of ordinary skill in the field of the invention. 35 U.S.C. § 103; *In re Gorman*, 933 F.2d 982, 986, 18 U.S.P.Q.2D (BNA) 1885, 1888 (Fed. Cir. 1991).

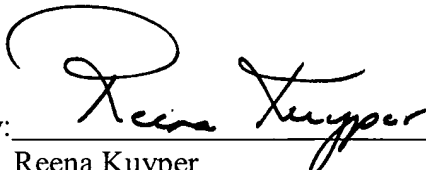
In re Deminski, 796 F.2d 436, 442 (Fed. Cir. 1986):

"There was no suggestion in the prior art to provide Deminski with the motivation to design the valve assembly so that it would be removable as a unit. The board argues that if Pocock had followed the "common practice" of attaching the valve stem to the valve structure, then the valve assembly would be removable as a unit. The only way the board could have arrived at its conclusion was through hindsight analysis by reading into the art Deminski's own teachings. Hindsight analysis is clearly improper, since the statutory test is whether "the subject matter as a whole would have been obvious at the time the invention was made." 35 U.S.C. § 103 (1982); *In re Spinnoble*, 56 C.C.P.A. 823, 405 F.2d 578, 585, 160 U.S.P.Q. (BNA) 237, 243 (CCPA 1969)."

Applicants respectfully request reconsideration and allowance of the claims pending in this application.

Respectfully submitted,

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